



18 September 2024

## CIRCULAR 2408

### OFFICIAL NOTICE

### 2024 Rule Amendments, Constitution Amendments, and Resolutions

The proposed amendments to the New Zealand Rules of Harness Racing and to the Constitution of Harness Racing New Zealand Incorporated, to be considered at the 2024 Annual General Meeting of Harness Racing New Zealand Incorporated on 19 October 2024 at Christchurch are outlined below.

The proposed amendments to the Rules will come into force as set out in the remits.

#### ***Rule & Constitution Amendments***

#### ***proposed by HRNZ Board and/or HRNZ Board (at request of RIB)***

1. **Rule 105(1), 846(1), and 865(1) and (2) Totalisator Race**  
***by the Board***

Remit to come into force on 1 November 2024

In rule 105(1) definition of twilight meeting, rule 846(1) and rule 865(1) and (2) delete the words “totalisator race” and replace with the words “betting race”.

**Reason**

To clarify those rules that apply to races at which any betting takes place.

2. **Rule 105(1), Definition of Working Day**  
***by the Board***

Remit to come into force on 1 November 2024

Amend the definition of working day in rule 105 by after “the Sovereign’s birthday,” inserting “Matariki,”.

**Reason**

To include Matariki as not being a working day.

**3. Rule 213(2) Refund of Entry Fees  
by the Board**

Remit to come into force on 1 November 2024

Amend rule 213(2) to state:

*Where any horse is scratched from a race or declared to be ineligible to start in a race the Club concerned may refund to the owner all fees paid by the owner in respect of such horse in such race except when the terms or conditions of the race state the fees shall not be refunded.*

**Reason**

To enable the terms or conditions of a race to be considered when determining the amount to be refunded to the owner in the event that any horse is scratched from a race or declared to be ineligible to start in a race.

**4. Rule 213 and 1003 Non-Runners  
by the Board (at the request of the RIB)**

Remit to come into force on 1 November 2024

Amend rule 213 by adding a new sub-rule (5) that states:

(5) *A Stipendiary Steward shall not scratch a horse from a race that is placed first, second, third, or fourth, including after the determination of any protest, regardless of any rule to the contrary.*

Amend rule 1003 by adding a new sub-rule (3) that states:

(3) *A horse that is placed first, second, third, or fourth, including after the determination of any protest, shall not be scratched from a race regardless of any rule to the contrary.*

**Reason**

HRA Rule 15(2) provides “A horse which is placed first, second, third or fourth including after the determination of any protest shall not be declared a non-starter.

Currently Stewards must consider whether to make a horse a non-runner under Rule 213(1)(j) or (k) if it finishes in dividend-bearing position after having been denied a fair start or met with an unfair external influence which has impacted on the horse’s chances of winning or obtaining a higher finishing position. The above shown HRA rule was adopted from an identical thoroughbred rule which was introduced as a result of Victorian Stewards making a placed filly a non-runner in a black type event and the connections successfully changed the decision through the courts with the filly being reinstated to its placing and receiving the associated black type for breeding purposes.

It is recommended that HRNZ adopt this rule as it would provide consistency with other authorities here and in Australia plus certainty for Stewards, Adjudicators, connections, participants, and the public going forward.

5. **Rule 402 Qualification for Horses**  
***by the Board***

Remit to come into force on 1 November 2024

Delete the current rule 402 and insert a new rule that states:

*402 A horse is not eligible to enter or start in a workout, trial, or race unless it is eligible or qualified under the Qualifying Regulations made by the Board.*

**Reason**

To set out the criteria for a horse being eligible to enter or start a workout, trial or race as set out in the Qualifying Regulations.

6. **Rule 834(9) – Dual Acceptors**  
***by the Board (at the request of the RIB)***

Remit to come into force on 1 November 2024

Amend rule 834(9) to state:

*(9) Where a horse has been accepted for more than one race at the same meeting on the same day, it must be scratched from all subsequent races for which it has been accepted for on that day unless the conditions for the race permit.*

**Reason**

To clarify the position regarding a horse entering a race twice on a race day.

7. **Rule 858 (1) - Drivers Talking on the Track**  
***by the Board***

Remit to come into force on 1 November 2024

Amend rule 858 (1) by inserting a new paragraph (n) whereby rule 858(1)(n) states:

*858 (1) A driver must not:*

*(n) After entering the racetrack prior to the start of the race a driver must not speak to another driver until they have passed the finishing line except for safety reasons or in an emergency.*

**Reason**

Perceptually the look of drivers talking to each other before and during the race including laughing and joking is a poor look. Realistically there is no need for drivers to be communicating except for safety reasons or emergencies.

8. **Rule 1004KA Withdrawal of Blood - “bloodletting”**  
***by the Board (at the request of the RIB)***

Remit to come into force on 1 November 2024

Insert a new rule 1004KA after rule 1004K that states:

- 1004KA (1) *A person shall not directly or indirectly withdraw blood from a horse for any purpose other than for:*
- (a) diagnostic, laboratory, or veterinary testing procedures; or*
  - (b) as permitted under rule 1004K(2).*
- (2) *A person who commits a breach of this rule shall be liable to:*
- (a) a fine not exceeding \$20,000; and*
  - (b) be disqualified or suspended from holding or obtaining a licence for any specific period not exceeding five years.*
- (3) *A horse connected with a breach of this rule must be disqualified from the race and be disqualified for a period of one year.*

**Reason**

In horses, bloodletting involves the removal of a significant proportion of the animal’s blood volume (up to 10 or more litres in a racehorse) via a large bore catheter or needle, or by incision (phlebotomy) of the jugular vein. This results in immediate physiological and behavioral changes, including a sudden reduction in blood pressure and the potential to stagger and collapse.

The procedure has been advocated to “freshen up” a horse that is performing poorly due to overtraining, a situation that might be attributable to polycythaemia, or to reduce the tendency for exercise-induced pulmonary hemorrhage (EIPH). However, there is no sound scientific basis to attribute any beneficial effect due to bloodletting in healthy horses, and bloodletting is difficult to detect using routine haematological tests, although there may be visual evidence of jugular vein cannulation or phlebotomy.

It is recommended that our Rules are amended so that a person commits an offence if they perform “bloodletting” on any horse. A person who is found guilty of performing “bloodletting” on a horse will then be subject to the penalties contained in the Prohibited Substances Rules.

Any horse connected with a breach incurs a 12-month stand-down period in thoroughbred racing. At the Australian Stewards Conference there was agreement that the rule should be adopted however a timeframe for stand down was left open.

9. **Rules 1205, 1303, 105, and 1001(1)(zd) Disqualification - Exemptions by the Board**

Remit to come into force on 1 November 2024

Delete rule 1205 (and its heading) and 1303 and insert a new rule 1303 that states:

- 1303 (1) *A disqualified person during a period of disqualification must not:*
- (a) *As principal or agent enter or run a horse in any race, either in their own name or in the name of any other person.*
  - (b) *Train any horse, assist or be involved in any capacity in the training of any horse.*
  - (c) *Assist or be involved in any capacity in the gaiting of any horse after 1 October in the year before it becomes a two-year-old.*
  - (d) *Drive any horse in a race or in any exhibition, workout, trial, race meeting, or harness race event.*
  - (e) *Assist or be involved in any capacity with the preparation or presentation of a horse to race at a race meeting, picnic meeting, trial, workout, or gymkhana.*
  - (f) *Be engaged by a trainer to work as a stable hand or to work as a stable hand for any period of time.*
- (2) *A disqualified person during the period of disqualification must not without the written consent of the Exemptions Committee:*
- (a) *Assist or be involved in any capacity in the gaiting of any horse after 1 October in the year before it becomes a two-year-old.*
  - (b) *Enter or remain on a racecourse or any other place under the control of a club when being used for trials, workouts, or race meetings.*
  - (c) *Transfer the ownership of any horse either to or from themselves.*
  - (d) *Enter upon the stable area or area used for training of any property of a licensed person.*
- (3) *A disqualified person may apply for the restrictions in sub-rule (1) and (2) to be removed (an exemption) provided that an application for an exemption under sub-rule (1) cannot be made before the disqualified person has completed:*
- (a) *half their disqualification where the disqualification is for a finite period; and*
  - (b) *five years disqualification where the disqualification is for life; or*
  - (c) *where special circumstances exist such other period as the Exemptions Committee may permit.*
- (4) *An application for an exemption shall be determined by an Exemptions Committee established by the Board.*

- (5) *The Exemptions Committee may grant an exemption on conditions. and may review any exemption and any conditions from time to time.*
- (6) *The Exemptions Committee in considering whether an exemption should be granted to a restriction must, to the extent applicable, have regard to:*
  - (a) *The period for which exemption should be granted.*
  - (b) *The period of disqualification that has been completed.*
  - (c) *The disqualified person's behaviour during disqualification.*
  - (d) *Rehabilitative steps taken by the disqualified person.*
  - (e) *The effect of any conditions that may be imposed.*
  - (f) *Any risk to harness racing participants.*
- (7) *The Exemptions Committee may review any exemption, and any conditions imposed from time to time. For the avoidance of doubt the Exemptions Committee may amend, vary, or cancel any exemption, any condition, or both.*
- (8) *A subsequent application to cancel a disqualification cannot be made by a disqualified person for a period of 12 months from the date the preceding application was determined.*
- (9) *A person whose exemption is granted on conditions may apply in writing to have the conditions amended provided that an application may not be made for a period of 12 months from the conditions being imposed or a preceding application was determined.*
- (10) *Nothing in sub-rule (8) or sub-rule (9) prevents the Exemptions Committee reviewing an exemption or conditions before a period of 12 months.*
- (11) *The Exemptions Committee or its Chairperson may direct that any application under this rule and any review of an exemption be served on any body or person and every body or person served shall be entitled to appear and be heard on the hearing of the application.*
- (12) *On hearing an application under this rule the Exemptions Committee may order that all or any of the reasonable costs and expenses of:*
  - (a) *any party to the hearing;*
  - (b) *any person served with the application or appearing at the hearing-**be paid by such person or body as it thinks fit.*
- (13) *If a costs order made under sub-rule (12) is unpaid within 28 days after the date on which that amount was ordered to be paid, it shall be deemed to be Arrears and may be placed on the Unpaid Forfeit List.*

- (14) *A person who, subject to any exemption, commits a breach of sub-rule (1), sub-rule (2), or any condition imposed by the Exemptions Committee shall, in addition to any other penalty which may be imposed pursuant to rule 1003, be disqualified for a period of not less than six months. For every second or subsequent breach of sub-rule (1), sub-rule (2), or a condition imposed by the Exemptions Committee they shall, in addition to any other such penalty, be disqualified for a period of not less than 12 months to commence at the expiry of the previous disqualification.*
- (15) *Where a person was disqualified before this rule came into force they may apply under the rules in force at the time of their disqualification for any exemption or cancellation of their disqualification or for an exemption under this rule.*

Amend the definition of train or training in rule 105 to state:

**TRAIN or TRAINING** means preparing a horse for racing purposes but not gaiting a horse.

Amend rule 1001(1)(zd) to state:

- zd being a licensed person or registered owner aids, assists, or associates with any prohibited person or disqualified person for the purpose of not complying with or contrary to:*
- (i) *Any restrictions on disqualified persons under rule 1303(1) or 1303(2) unless an exemption has an exemption to the restriction.*
- (ii) *Any condition of any exemption under rule 1303(5) or 1303(7).*

**Reason**

To clarify the restrictions on a disqualified person and the position regarding exemptions and conditions.  
To clarify the definition of Train and Training.

**10. Rule 1311(3) Suspension  
by the Board**

Remit to come into force on 1 November 2024

Delete paragraph (a) of rule 1311(3).

**Reason**

This rule is now superfluous.

**11. Clause 2.4(a)(ii) HRNZ Constitution and rule 105 Special Resolutions by the Board**

Remit to come into force on 1 November 2024

Amend clause 2.4(a)(ii) of HRNZ's Constitution to state:

*A special resolution requires a majority of at least two-thirds of the votes cast and one-third of the members present and voting to vote in favour of the resolution.*

Amend the definition of special resolution in clause 105 of the rules to state:

**SPECIAL RESOLUTION** means a resolution passed by a majority of at least two-thirds of the votes cast and one-third of the members present and voting to vote in favour of the resolution, notice, and of which notice to the satisfaction of the chair of the meeting, to have been given to each member and published in the official notifications at least 20 working days before it is voted on.

**Reason**

A special resolution requires a majority of two-thirds of the votes. By default, that also requires the support of one-third of the members or 13 members (if all are present).

Changes in the betting licences issued for 2024/2025 requiring the support of one-third of members in addition to two-thirds of the votes would retain the current position and require clubs (and HRNZ) to work together to effect change.

**12. Clause 2.4(a)(i) HRNZ Constitution Resolutions by the Board**

Remit to come into force on 1 November 2024

Amend clause 2.4(a)(i) of HRNZ's Constitution to state:

*A resolution requires a majority of the votes cast to vote in favour of the resolution and the following resolutions shall in addition require one-third of the members present and voting to vote in favour of the resolution:*

(a) *A resolution to suspend a member's speaking or voting rights at a general meeting.*

(b) *Removal of a director at a general meeting of HRNZ.*

**Reason**

Currently, as few as eight clubs could technically pass a resolution. Matters such as suspending a member's speaking or voting rights or removing a director are significant. Accordingly, what is proposed for the identified significant decisions is that they also require the support of one third of the members.



## **Constitution Amendments** **proposed by New Zealand Standardbred Breeders' Association**

### **13. Clause 12.7 HRNZ Constitution** ***by the New Zealand Standardbred Breeders' Association***

Remit to come into force on 1 November 2024

Amend clause 12.7(b) of the Constitution of HRNZ by deleting the words "*or another layer of governance*" and amending clause 12.7 to state:

*12.7 For the avoidance of doubt the National Forum established under this Constitution:*

- (a) does not have separate corporate status;*
- (b) is a consultative forum and not a decision-making body; and*
- (c) are independent of HRNZ in their composition and functioning.*

#### **Reason**

The NZ Standardbred Breeders' Association believes that the National Forum is part of the governance structure.

### **14. Clause 5.10(a)(i) and 5.11(a)(i) HRNZ Constitution** ***by the New Zealand Standardbred Breeders' Association***

Remit to come into force on 1 November 2024

Amend clause 5.10(a)(i) and 5.11(a)(i) of HRNZ's Constitution required clubs by deleting the words "*audited financial statements*" and replacing with the words "*financial statements required to be prepared under the Incorporated Societies Act 2022*".

#### **Reason**

The NZ Standardbred Breeders' Association is of the view that all clubs and kindred bodies should be required to meet the reporting requirements of the Incorporated Societies Act 2022. Audited financial statements should only be required from societies that come under Regulation 16 of the Incorporated Societies Regulations 2023. All others should be subject to financial review only. Clubs do not handle the stakes these days and most are responsible for their own patch. It is proving difficult to find an auditor prepared to perform an audit and the associated cost is high.

#### **16 Annual financial statements of certain societies must be audited**

- (1) For the purposes of [section 105](#) of the Act, a society that meets both of the criteria described in subclause (2) must ensure that the financial statements for an accounting period required to be prepared under [section 102](#) of the Act are audited by a qualified auditor.
- (2) The criteria are that—
  - (a) the society is not a charitable entity; and
  - (b) in each of the 2 preceding accounting periods of the society, the total operating expenditure of the society and all entities it controls (if any) is \$3 million or more.
- (3) A financial reporting standard (within the meaning of the [Financial Reporting Act 2013](#)), or a part of such a standard, that is expressed as applying for the purposes of subclause (2)(b) must be applied in determining whether the criterion in subclause (2)(b) is met (for example, the standard may define operating expenditure or control).

Regulation 16(2)(b): amended, on 5 October 2023, by [regulation 4\(1\)](#) of the Incorporated Societies Amendment Regulations 2023 (SL 2023/273).

Regulation 16(3): amended, on 5 October 2023, by [regulation 4\(2\)](#) of the Incorporated Societies Amendment Regulations 2023 (SL 2023/273).